

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

DWAYNE DELESTON,)	C/A No. 2:02-3895-DCN
)	
Petitioner,)	
)	<u>O R D E R and O P I N I O N</u>
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

This matter is before the court on the petitioner's Motion for Clarification. This motion was filed on October 24, 2005.

In the referenced motion, petitioner requested a written opinion as to why his motion filed on July 22, 2005 pursuant to Federal Rules of Civil Procedure Rule 60(b)(6) was denied. The following is the ruling of this court.

In his motion file July 22, 2005, Deleston has raised no issue that has not previously been addressed by this court. Instead, he requests that this court re-review its prior rulings.

Deleston has specifically requested relief under Fed.R.Civ.P.60(b)(6) from this court's prior judgment entered against him on his 28 U.S.C. § 2255 petition. A motion for relief from judgment based upon "any other reason justifying relief from the operation of the judgment" may not be granted absent extraordinary circumstances. *Valero Terrestrial Corp. v. Paige*, 211 F.3d 112, 118 (4th Cir. 2000), *Reid v. Angelone*, 369 F.3d 363 (4th Cir. 2004), *Compton v Alton Steamship Co.*, 608 F.2d 96, 102 (4th Cir. 1979). In this instance, petitioner has merely repeated his disagreement with this Court's rulings,

thus has established neither a meritorious claim under 28 U.S.C. § 2255 nor grounds for setting aside the judgment under Rule 60(b)(6).

THEREFORE, petitioner's Motion Under Federal Rules of Civil Procedure 60(b)(6) is **DENIED**.

AND IT IS SO ORDERED.



DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

Charleston, SC

March 31, 2006